



17231 U.S. PTO

040504

Attorney Docket No. 2003P04912US-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Paul D. PERRY et al.)	Group Art Unit: Not Yet Assigned
)	
Application No.: Unassigned)	Examiner: Not Yet Assigned
)	
Filed: 5 April 2004)	

22388 U.S. PTO

10/817521



040504

FOR: VALVE ACTUATOR

MAIL STOP PATENT APPLICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**TRANSMITTAL FOR A NEWLY EXECUTED
ORIGINAL APPLICATION UNDER 37 C.F.R. §1.53(b)**

This is a request for filing a patent application under 37 C.F.R. §1.53(b) for:

Inventors: Paul D. PERRY et al.

FOR: VALVE ACTUATOR

1. This is a new ☒ Utility ☐ Design ☐ Plant patent application.
2. The papers enclosed to obtain a filing date are as follows:

<u>17</u>	Pages of Specification including:
<u>0</u>	Title Page
<u>3</u>	Pages of Claims
<u>1</u>	Page of Abstract
<u>6</u>	Sheets of drawings containing <u>13</u> Figures
<input type="checkbox"/>	The enclosed drawings are photographs, and there is also attached a PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWING(S)

3. Combined Declaration and Power of Attorney

☐ Enclosed and is executed by all inventors
☒ Not Enclosed.
 This application is being filed under the provisions of 37 C.F.R. §1.53(f).
 Applicant(s) await notification from the Patent and Trademark Office of the time
 set for filing the Declaration and paying the filing fees.

4. Language

- ☒ English
☐ Non-English

This application is being filed in accordance with 37 C.F.R. §1.52(d) and §608.01 of the MPEP. Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the verified English translation and the processing fee.

5. Assignment

- ☐ An assignment of the invention to Siemens VDO Automotive, Incorporated and a PTO Form-1595, Recordation Form Cover Sheet, are enclosed.
☒ An assignment will be filed at a later date.

6. Priority - foreign applications under 35 U.S.C. §119(a)-(d) or §365(b) or PCT international applications under 35 U.S.C. §365(a) designating at least one country other than the U.S.

☐ Priority of the following foreign application is claimed:

Country	Application No.	Filed

Certified copy: ☐ is attached. ☐ will follow.

7. Priority based on provisional application(s) - 35 U.S.C. §119(e)

☒ Priority of the following provisional application(s) is claimed:

Application No.	Filed
60/460,510	4 April 2003
60/547,829	26 February 2004
60/548,813	27 February 2004

A. Relate Back - 35 U.S.C. §119(e)

- ☐ Amend the specification by inserting before the first line the sentence: "This application claims priority of copending provisional application(s) No. _____ filed on _____ which is hereby incorporated by reference."

8. Small entity status

- ☐ Applicant(s) hereby assert(s) small entity status under 37 C.F.R. § 1.27.

9. Fee Calculation (37 C.F.R. §1.16)

	Number Filed	Number Extra	at Rate of	Basic Fee Utility \$770.00 Design \$340.00
			BASIC FEE	770.00
Total Claims (37 C.F.R. §1.16(c))	15 - 20 =	0	18.00	\$0.00
Independent Claims (37 C.F.R. §1.16(b))	3 - 3 =	0	86.00	\$0.00
Multiple dependent claim(s), if any (37 C.F.R. §1.16(d))			270.00	\$0.00
			SUB-TOTAL =	\$770.00
			Reduction by 1/2 for filing by a small entity	
			TOTAL FILING FEE =	\$770.00

10. Fee Payment

- ☒ Not Enclosed. **NO FEE IS BEING PAID BY CHECK OR DEPOSIT ACCOUNT AT THIS TIME.**
 This application is being filed under the provisions of 37 C.F.R. §1.53(f).
 Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the Declaration and paying the filing fees.
- ☐ The Commissioner is hereby authorization to charge Deposit Account No. 50-0310 in the amount of \$770.00.

11. ☒ **Except** for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3).

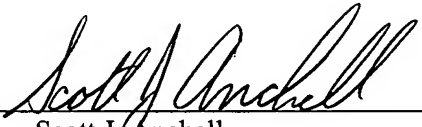
12. Additional papers enclosed:

- ☒ Nonpublication Request
- ☐ Preliminary Amendment
- ☐ Information Disclosure Statement
- ☐ Form PTO-1449, ___ documents included
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

Please accord this application an application number and filing date.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

By: 
Scott J. Anchell
Reg. No. 35,035

Dated: **5 April 2004**

Customer No. 009629
MORGAN, LEWIS & BOCKIUS LLP
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NONPUBLICATION REQUEST UNDER 35 U.S.C. 122(b)(2)(B)(i)	First Named Inventor	Paul D. PERRY et al
	Title	Valve Apparatus
	Attorney Docket Number	2003P04912US-01

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

5 April 2004
Date

Scott J. Anchell
Signature

202.739.5743
Telephone number

Scott J. Anchell, Reg. No. 35,035
Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

This collection of information is required by 37 CFR 1.213(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.